IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 268 (SS) OF 2006

Om Prakash, son of Sri Indrapal Singh,
Resident of Mudiakala, Post Office Bajpur,
District-Udham Singh Nagar. .....Petitioner.

Versus

1. State of Uttaranchal, through Secretary, Education, Civil Secretariat, Dehradun.
2. Public Service Commission, Uttaranchal, Haridwar.
3. Director of Education, State of Uttaranchal, Dehradun.
4. University Grants Commission, through its Chairman, New Delhi.

.....Respondents

Sri M.C. Pant, Advocate for the petitioner.
Sri B.D. Kandpal, Advocate for the respondent no.2 and 3.

Dated: 03.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondent to consider the case of the petitioner for appointment on the post of Assistant Lecturer Agriculture in pursuance of the advertisement No. 1/Sewa/2003-2004 for the post of Lecturer Agriculture and declare the petitioner as eligible for the same.

2. Brief facts giving rise to the present writ petition are that the petitioner applied for the post of Lecturer in Government Colleges of Uttaranchal in pursuance of the advertisement No. 1/Sewa/2003-2004 issued by the Public Service Commission Uttaranchal Haridwar on 05.10.2003. In pursuance of the application filed by the petitioner, he was allotted Roll No. 115549 and after the screening test held in the year, 2003, respondent no. 2 vide office memorandum issued in November, 2004 informed the petitioner that he has succeeded in the screening test for the purpose of

Interview and directed the petitioner to send the application along with the testimonial on 09.03.2005.

3. In compliance of the aforesaid direction given by the respondent no. 2, petitioner submitted his application along with his testimonials to the respondent no. 2. on the date fixed.

4. Petitioner has submitted that he received the order, by which he was refused for interview, which is going to be held on 04.03.2006.

5. The grievance of the petition is that he is having Agriculture Subject from his High School upto graduation and he has passed M.Sc. Pomolgy which is a branch of the Agriculture and he has also qualified in the National Eligibility Test (NET) and Indian Council for Agricultural Research has also issued a merit certificate in favour of the petition on 17.06.2005. Petitioner has also passed his Bachelor of Science Degree from Govind Ballabh Pant University of Agriculture and Technology and a degree certificate has been awarded to the petitioner by making following observations:-

"Bachelor of Science Agriculture and Animal Husbandry. For kind perusal of this Hon'ble Court, the petitioner is enclosing the certificate of his educational qualification from High School to Post Graduate in Pomology."

Petitioner has submitted that he is doing Ph.D from Govind Ballabh Pant University of Agriculture and Technology Pantnagar. After completion of his degree course, the petitioner appeared in a combined examination conducted by I.C.A.R. for admission of Master Degree course in the reputed Agriculture University of all India and petitioner got third place in the all over India and on the basis of his performances, he was selected for P.G. course in Pomology in Punjab Agriculture University.

The petitioner has submitted that the Pomology is the branch of Horticulture which also comes in Agriculture course. The term of Agriculture in an omnibus definition and thus for all the practical purposes the Post Graduate Degree in Pomology ought to have been considered as degree in Agriculture and thus there is no jurisdiction to deprive the petitioner for taking part in the interview which is going to be held on 04.03.2006.

The grievance of the petitioner is that he has submitted a representation on 25.01.2006, but no decision has been taken till now.

Learned Standing Counsel has argued that since post was advertised for agriculture and the petitioner does not possesses the requisite qualification as he has not passed M.Sc (Agriculture) and M.Sc. (Pomology) is not equivalent to M.Sc. (Agriculture).

In view of the above, liberty is given to the petitioner to move a fresh representation before the University Grant Commission within a period of one week. The same shall be disposed of by the University Grant Commission by passing suitable order with regard to the fact as to whether both the subjects are equivalent or not within a period of one month from the date of presentation of the certified copy of the order. The petitioner shall be permitted to appear in the interview to be held on 04.03.2006 subject to the final verdict given by the University Grants Commission.

Writ Petition is disposed of. No order as to costs.
Copy of the order to be given today.

(Rajesh Tandon, J.)

03.03.2006
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